

EX PARTE OR LATE FILED

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February 26, 1997

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FEB 26 1997

BY HAND

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

Federal Communications Commission  
Office of Secretary

Re: Ex Parte Communication in MM Docket No. 87-268

Dear Mr. Caton:

This is to inform the Commission that the attached letter was delivered today to Chairman Hundt, each of the other Commissioners, and other relevant staff. Two copies of the letter are attached for filing in the above-captioned proceeding.

Please contact the undersigned if you have any questions.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE  
Chartered

By:

  
Robert M. Gurss

Attorneys for the Association of  
Public-Safety Communications  
Officials-International, Inc.

Attachments

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LEAGUE OF CALIFORNIA CITIES  
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND  
ADVISORS  
NATIONAL CONFERENCE OF STATE LEGISLATURES  
NATIONAL COORDINATING COUNCIL ON EMERGENCY MANAGEMENT  
NATIONAL LEAGUE OF CITIES  
CITY OF NEW YORK  
COUNTY OF LOS ANGELES**

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February 26, 1997

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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**FEB 26 1997**

Federal Communications Commission  
Office of Secretary

RE: MM Docket 87-268

Dear Mr. Chairman:

The Commission is currently considering the adoption of a Digital Television (DTV) channel allotment which would permit the reallocation to other services of spectrum now reserved for UHF-TV channels 60-69. Both President Clinton and Senator John McCain have proposed that four of those channels (i.e., 24 MHz) be allocated for state and local government public safety use. We strongly support such an allocation, which would be consistent with the recommendations of the Public Safety Wireless Advisory Committee ("PSWAC"). Unfortunately, we understand that some members of the broadcasting community have suggested that any reallocation of the channel 60-69 spectrum should be delayed for several years.

The Commission must not delay any further in addressing public safety spectrum needs. State and local government public safety agencies have been waiting for over ten years for the Commission to address the spectrum needs that the Commission staff itself identified in 1984. More recently, the PSWAC concluded that "**unless immediate measures are taken to alleviate spectrum shortfalls and promote interoperability, Public Safety agencies will not be able to adequately discharge their obligations to protect life and property in a safe, efficient, and cost effective manner.**" PSWAC Final Report at page 2 (emphasis in original).

The time to act is now, not in two or three years. Every day that the Commission delays is a day that police, fire, EMS and other public safety personnel must face continued frequency congestion, insufficient interoperability, and the inability to implement new public safety communications technologies.

The PSWAC Spectrum Requirements Subcommittee concluded that "at least 25 MHz of spectrum should be allocated *immediately* to alleviate capacity shortfalls for critical voice and data needs and to promote development of equipment for new services." PSWAC Final Report at page 56 (emphasis in original). While the PSWAC report also suggested that short term public safety spectrum needs be addressed within five years, the intent was that the spectrum be in use within five years. Prior to that time, the following must take place:

- The FCC must conduct and complete a rulemaking to reallocate the spectrum.
- The FCC must conduct and complete a rulemaking to adopt rules for the use and assignment of the reallocated spectrum.
- Public safety agencies and organizations must plan and coordinate allotment of channels.
- Equipment vendors must modify or develop equipment to operate in the reallocated spectrum (while not a major problem due to the proximity to the 800 MHz band, this process still takes time).
- Applications must be filed and processed by the Commission.
- Agencies must fund the development of new systems.
- New systems must be constructed and put into operation.

This process will not be completed overnight. Therefore, the Commission must allocate the spectrum now so that the implementation of that spectrum for public safety purposes can begin as soon as possible.

Finally, we also urge the Commission to adopt a DTV channel allotment plan which eliminates, or at least minimizes the number of, interim DTV allotments in channels 60-69. That would greatly accelerate the ability of public safety to implement new operations in these channels long before the end of the DTV transition.

For further information regarding this letter, please contact Robert Gurss at (202) 457-7329. Two copies of this letter will be filed with the Secretary.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY  
COMMUNICATIONS OFFICIALS-  
INTERNATIONAL

INTERNATIONAL ASSOCIATION OF  
CHIEFS OF POLICE

INTERNATIONAL ASSOCIATION OF  
FIRE CHIEFS

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ON EMERGENCY MANAGEMENT

NATIONAL LEAGUE OF CITIES

CITY OF NEW YORK

COUNTY OF LOS ANGELES

cc: Commissioner James Quello  
Commissioner Susan Ness  
Commissioner Rachelle Chong